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Attorneys for Plaintiff
THAT ONE VIDEO ENTERTAINMENT, LLC, a
California limited liability company

UNITED STATES DISTRICT COURT
FOR THE CENTRAL DISTRICT OF CALIFORNIA

THAT ONE VIDEO
ENTERTAINMENT, LLC, a
California limited liability company,

Plaintiff,
vs.

KOIL CONTENT CREATION PTY
LTD., an Australian proprietary
limited company doing business as
NOPIXEL; MITCHELL CLOUT, an
individual; and DOES 1-25, inclusive,

Defendants.

CASE NO: 2:23-cv-02687 SVW (JCx)

[Assigned to the Hon. Stephen V. Wilson;
Ctrm 10A]

**PLAINTIFF'S OBJECTIONS TO
DEFENDANTS' EVIDENCE
PROFFERED IN SUPPORT OF THEIR
MOTION FOR ATTORNEY'S FEES**

*[Opposition; [Proposed] Order Granting
Objections to Evidence Filed Concurrently
Herewith]*

Hearing

Date: December 9, 2024
Time: 1:30 p.m.
Dept.: Courtroom 10A (10th Floor)
350 W. First Street
Los Angeles, CA 90012
Judge: Hon. Stephen V. Wilson

**PLAINTIFF'S OBJECTIONS TO DEFENDANTS' EVIDENCE PROFFERED IN
SUPPORT OF THEIR MOTION FOR ATTORNEY'S FEES**

1 Plaintiff THAT ONE VIDEO ENTERTAINMENT, LLC, a California limited
2 liability company (“TOVE” or “Plaintiff”) hereby objects to the following evidence
3 presented by Defendants KOIL CONTENT CREATION PTY LTD., an Australian
4 proprietary limited company doing business as NOPIXEL (“NoPixel”), and
5 MITCHELL CLOUT, an individual (“Clout”) in support of their Motion for
6 Attorney’s Fees (the “Motion”).

7 Specifically, Defendants submitted the Declaration Keith L. Cooper, which
8 improperly attached and referenced a confidential settlement letter sent by Plaintiff’s
9 counsel to Defendants. *See* Federal Rule of Evidence (“FRE”) 408. A more specific
10 detailing of the deficiencies in such declarations is as follows:

11 **DECLARATION OF KEITH L. COOPER**

12 **1. Declaration of Keith L. Cooper, ¶ 3, 2:11-24**

13 Plaintiff objects to attachment of, and references made to, the confidential,
14 pre-litigation demand letter sent “*on behalf of Daniel Tracey (not Plaintiff TOVE),*”
15 on the basis that such letter, and Cooper’s references thereto, are confidential, pre-
16 litigation settlement communications that are inadmissible under FRE 408. Plaintiff
17 further objects on the basis that the admission of such letter, and Coopers references
18 thereto, would be contrary to statute’s explicit purpose of encouraging settlement
19 discussions between the parties. *See Hudspeth v. Comm’r of Internal Revenue Serv.*,
20 914 F.2d 1207, 1213-14 (9th Cir. 1990) (noting that two principles underlie FRE
21 408, including that (1) evidence of a compromise is irrelevant because the offer may
22 be “motivated by a desire for peace rather than from any concession of weakness of
23 position, and (2) the promotion of public policy favoring the compromise and
24 settlement of disputes.).

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DATED: November 18, 2024

ALTVIEW LAW GROUP, LLP

By: /s/ John M. Begakis, Esq.

JOHN M. BEGAKIS

SHEENA B. TEHRANI

Attorneys for THAT ONE VIDEO
ENTERTAINMENT, LLC, a California
limited liability company

CERTIFICATE OF SERVICE

I HEREBY CERTIFY that a copy of the foregoing electronically filed document has been served via a “Notice of Electronic Filing” automatically generated by the CM/ECF System and sent by e-mail to all attorneys in the case who are registered as CM/ECF users and have consented to electronic service pursuant to L.R. 5-3.3.

Dated: November 18, 2024

By: /s/ John Begakis
John M. Begakis